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FILED

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NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

**BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA**

AUDRA COLLINS,

Respondent,

v.

JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

Petitioner.

CASE NO.: 2014-1485 (Benton)

RESPONSE TO COMPLAINT FOR
DISCIPLINARY ACTION

Hearing: September 22-24, 2015
Time: 9:00 a.m.

RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION

COMES NOW Respondent, AUDRA COLLINS, by and through her counsel of record, the law firm of Lipson, Neilson, Cole, Seltzer & Garin, P.C., hereby submits this Response to Complaint for Disciplinary Action as follows:

JURISDICTION

1. As to paragraph 1 of the Complaint, Respondent admits.

ALLEGATIONS OF FACT

2. As to paragraphs 2 and 3 of the Complaint, Respondent admits.
3. As to paragraphs 4 through 6, 10 through 13, 17, 25 through 27, 32 through 35, and 38 of the Complaint, Respondent denies the allegations contained in those paragraphs as the allegations relate to individuals and/or entities other than this

1 answering Respondent and this answering Respondent is without knowledge or
2 information to form a belief as to the truth of the allegations.

3 4. As to paragraphs 7, 8, 15, 16, 18 through 23, 28 through 31, and 37 of the
4 Complaint, Respondent admits only to the extent that the Division's allegations purport
5 to recite written documents, the documents are the best evidence and speak for
6 themselves. To the extent the allegations are inconsistent with the documents, those
7 allegations are denied.

8 5. As to paragraphs 9, 39, and 41 through 43 of the Complaint, Respondent is
9 without knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained in these paragraphs and denies same.

11 6. As to paragraph 14, Respondent denies being noticed of any allegations
12 contained in this Complaint through the purported letter dated May 6, 2014. As for the
13 remaining allegations in the paragraph, Respondent is without knowledge or information
14 to form a belief as to the truth of the allegations and denies the same.

15 7. Specifically as to paragraph 24, Respondent denies the Division's allegation that
16 Respondent "submitted an annual list for the Association as its manager." (Complaint ¶
17 24). Although she was one of the community managers employed at Associated
18 Community Management, she was never the assigned community manager for Benton
19 Homeowners Association. As for remaining allegations in the paragraph, Respondent is
20 without knowledge or information to form a belief as to the truth of the allegations and
21 denies the allegations.

22 8. As to paragraph 36, Respondent denies.

23 VIOLATIONS OF LAW

24 9. As to paragraphs 44 through 66 of the Complaint, Respondent affirmatively avers
25 that the allegations set forth therein are a legal determination to be made by the
26 Commission. Further, Respondent lacks information sufficient to form a belief as to the
27 truth of these allegations, and therefore, denies same in the manner and form alleged.
28

AFFIRMATIVE DEFENSES

COMES NOW Respondent, AUDRA COLLINS, by and through her attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of the following defenses:

1. The Complaint and evidence served with the Complaint does not by a preponderance of the evidence demonstrate that each of the sections identified in the Complaint (paragraphs 44-66) have been violated.

2. Respondent was never an assigned community manager for Benton Homeowners Association.

3. Respondent had no intention to violate the law. In fact, she made efforts to comply and keep the Division advised of the status of Benton Homeowners Association and other Associations. Respondent had several meetings at NRED where concerns and issues were discussed with investigators and representatives of NRED. Respondent at all times acted, or attempted to act, in conformity with verbal instructions from the Division.

4. The Division should be estopped from seeking enforcement of the sections identified in the complaint (paragraphs 44-66).

5. Respondent substantially complied with statutes and administrative code provisions at issue.

6. Respondent made good faith attempts to comply with statutes and administrative code provisions at issue.

7. Respondent's actions are excused by necessity and were at all times for the benefit of the Association.

8. Respondent's responses to the Division's requests were made in good faith, based on information believed to be correct at the time responses were submitted.

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PRAYER FOR RELIEF

Respondent respectfully requests that this matter be dismissed without discipline or that the Commission take action consistent with the authority permitted by Nevada law.

DATED this 4th day of September, 2015.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2015, service of the foregoing **RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION** was made upon by depositing a true and correct copy of same via e-mail and Certified U.S. mail, return receipt requested, addressed to:

Joseph (J.D.) Decker, Administrator
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